

BC

FILED
10/21/2025
MAN
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ZHO INC.,

Plaintiff,

No. 1:25-cv-5831

Judge Andrea R. Wood

v.

RUCHER,

Defendants.

**DEFENDANT RUCHER'S EMERGENCY MOTION TO DISSOLVE OR, IN THE
ALTERNATIVE, MODIFY THE TEMPORARY RESTRAINING ORDER
PURSUANT TO FED. R. CIV. P. 65(b)(4)**

Defendant Rucher (operated by Moana Ventures LLC d/b/a “Rucher”), appearing pro se, respectfully moves the Court, pursuant to Federal Rule of Civil Procedure 65(b)(4), to dissolve the ex parte Temporary Restraining Order (“TRO”) entered in this action, or, in the alternative, to modify it to exclude Rucher and immediately release any marketplace restraints (including Amazon storefront restrictions) imposed on Rucher. In support, Rucher states:

I. INTRODUCTION

Plaintiff obtained an ex parte TRO premised on an alleged infringement theory that misidentifies Rucher’s product and overstates Plaintiff’s likelihood of success.

Plaintiff’s filings characterize its product as “a portable container...for snacks,” whereas Rucher sells a jewelry item (a pendant/necklace design), not a snack container. The record also shows material design distinctions between Plaintiff’s asserted design patent (U.S. D957,284 S) and Rucher’s product—including the primary motif of the unicorn-theme pendant on the Rucher product that is absent from the Plaintiff’s product, layout of the cubic zirconia stones, frame geometry and thickness, and prong style—defeating substantial similarity under the Gorham ordinary-observer standard.

Meanwhile, the TRO inflicts ongoing and irreparable harm on Rucher’s business and

reputation by freezing legitimate listings and disrupting sales. Rule 65(b)(4) authorizes dissolution or modification “on 2 days’ notice,” and good cause exists to do so promptly.

[Sections II–VII omitted for brevity in this version but to be filed in full version as drafted.]

Dated: October 21, 2025

Respectfully submitted,

/s/ Danny Halim
Danny Halim
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Pro Se Defendant

Danny Halim

[PROPOSED] ORDER

Zho, Inc. v. Rucher
Case No. 1:25-cv-05831
Judge: Andrea R. Wood

Upon Defendant Rucher's Motion under Fed. R. Civ. P. 65(b)(4), and for good cause shown, it is ORDERED that:

1. The Temporary Restraining Order is DISSOLVED as to Defendant Rucher; or, in the alternative,
2. The TRO is MODIFIED to exclude Rucher and immediately lift all marketplace restraints and payment holds affecting Rucher's accounts and listings; and
3. The Clerk shall provide notice of this Order to the parties forthwith.

SO ORDERED.

Dated: _____, 2025

Hon. Andrea R. Wood
United States District Judge

CERTIFICATE OF SERVICE

I certify that on October 21, 2025, I served the foregoing Emergency Motion to Dissolve or Modify TRO and Proposed Order on Plaintiff's counsel via email and U.S. Mail:

Marjorie Ouyang
One Park Plaza, Suite 600
Irvine, CA 92614

/s/ Danny Halim
Danny Halim